

2176
H8
10/23/01



862.2492

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
HIDEAKI OHSHIMA et al.)
Application No.: 09/176,274)
Filed: October 21, 1998)
For: IMAGE PROCESSING)
APPARATUS AND METHOD,)
AND COMPUTER-READABLE)
MEMORY)
Examiner: T. Huynh
Group Art Unit: 2176
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on
October 11, 2001
(Date of Deposit)
Dennis A. Duchene, Reg. No. 40,595
Name of Attorney for Applicant
DAD *10/11/01*
Signature Date of Signature
October 11, 2001

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the restriction requirement set forth in the Office Action
dated September 11, 2001, Applicants provisionally elect Group II, namely, Claims 1 to 11,
15 to 25 and 29. The election is made with traverse.

An application may be properly required to be restricted to one of two or
more claimed inventions only if the inventions are able to support separate patents and they
are either independent or distinct. MPEP § 803. If the search and examination of an entire
application can be made without serious burden, the Examiner must examine it on the
merits, even though it includes claims to independent or distinct inventions. MPEP § 803.

RECEIVED
OCT 17 2001
Group 2100

"The term 'distinct' means that two or more subjects as disclosed are related, for example, as combination and part (sub-combination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed and are patentable (novel and unobvious) over each other (though they may each be unpatentable because of the prior art)." MPEP § 802.01. In this regard, Applicants respectfully submit that the claims of Groups I, II and III are all directed to document graphic editing and graphic formatting. Accordingly, two-way distinctness is not seen to be present among the claims of Groups I, II and III. MPEP § 806.05(c).

Even if Groups I, II and III are considered to be independent or distinct inventions, which Applicants do not admit to be the case, the search and examination of all pending claims of Groups I, II and III can be made without serious burden, and therefore restriction is improper. MPEP § 803. Specifically, the claims of Groups I, II and III are all directed to document graphic editing and graphic formatting. Accordingly, Applicants respectfully submit that concurrent search and examination of all claims of Groups I, II and III can be made without serious burden.

Based on the foregoing remarks, Applicants respectfully submit that the restriction requirement is improper and therefore request reconsideration and withdrawal of the restriction requirement. Accordingly, Applicants request concurrent examination of all currently-pending claims of Groups I, II and III.

Applicants' undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants

Registration No. 40,575

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200

CA_MAIN 30389 v 1